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August 1, 2014

ORDER :

*This request is
granted .*

*John Bryant,
USMJ*

VIA: FIRST-CLASS MAIL

Hon. John S. Bryant
United States Magistrate Judge
801 Broadway, Courtroom 776
Nashville, TN 37203

Re: Perez v. Kong Chef Wang, Inc. et al.
Docket No.: 13-cv-0611
Settlement Conference Attendance

Dear Judge Bryant:

Our office represents the Defendants in the above referenced matter, and I am writing to respectfully request that your Honor excuse the attendance of the Defendants Vicky Chen, Derrick Miller, and Huong Liu at the settlement conference scheduled for August 12, 2014. For the following reasons, we believe that the attendance of these Defendants is neither necessary nor likely to aid in the settlement process.

First, we want to emphasize that the Defendants Vicky Chen, Derrick Miller, and Huong Liu were merely employees of the Defendant Restaurant, and do not have the authority to settle on behalf of the principals of the "Chef Wang's" Restaurant. Accordingly these Defendants cannot contribute in a meaningful way to any discussion concerning settlement sums, and cannot contribute financially to any potential settlement amount. Further these individuals were not originally involved in this litigation until we listed them as witnesses in our disclosures, and Plaintiff amended his complaint. Notwithstanding the fact that we do not believe they are proper parties to this litigation, we emphasize that Kong Xian Wang and Meng Wang, individually and on behalf of the Defendant corporations Kong Chef Wang, Inc., are the only Defendants who are likely to actually settle this matter.

Second, the Defendants who are seeking to be excused, have vested their counsel with full settlement authority to represent their interests completely. If necessary, counsel will be able to consult with them by telephone at the conference. However we do not anticipate that their participation will be necessary.

Finally, as restaurant employees, it is very difficult for the Defendants to leave their day-to-day duties, and to incur the travel expenses to attend the settlement conference. These defendants are aware of the seriousness of this litigation, and they wish to attend, participate, and be heard at this conference, but it is very difficult for them. For instance, Defendant Vicky Chen